



Journal of the Senate

State of Indiana

115th General Assembly

First Regular Session

Forty-second Meeting Day

Tuesday Afternoon

April 17, 2007

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Teresa S. Lubbers.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Arnold	Lubbers
Becker	Meeks
Boots	Merritt
Bray	Miller
Breaux	Mishler
Broden	Mrvan
Deig	Nugent
Delph	Paul
Dillon	Riegsecker ▣
Drozda	Rogers
Errington	Simpson
Ford	Sipes
Gard	Skinner
Heinold	Smith
Hershman	Steele
Howard ▣	Tallian
Hume	Walker
Jackman	Waltz
Kenley ▣	Waterman ▣
Kruse	Weatherwax
Lanane	Wyss ▣
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 446: present 45; excused 5. [Note: A ▣ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 261, filed April 17, 2007, be withdrawn from further consideration by the Senate.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on

Engrossed Senate Bill 334, filed April 17, 2007, be withdrawn from further consideration by the Senate.

HEINOLD

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 293 and that a conference committee be appointed to confer with a like committee of the House.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 134 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 44 and that a conference committee be appointed to confer with a like committee of the House.

BRAY

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1059, 1211, 1241, 1305, 1306, 1338, 1373, 1382, 1468, 1508, 1653, 1726, 1778, and 1480 and are eligible for enrollment.

CLINTON MCKAY
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April

17, 2007, signed Senate Enrolled Acts: 68, 155, 372, 377, 401, 448, and 501.

DAVID C. LONG
President Pro Tempore

RESOLUTIONS ON FIRST READING

Senate Resolution 43

Senate Resolution 43, introduced by Senator Waltz:

A SENATE RESOLUTION to honor the volunteers of the Indiana State Archives for their dedication and hours of service.

Whereas, The preservation of Indiana's historical records for future generations is an important undertaking, and the volunteers of the Indiana State Archives have contributed a record number of hours to that task in 2006;

Whereas, Forty four volunteers and a group of students from IUPUI contributed 5,687 hours in 2006, the equivalent of three-full time employees. Many of these volunteers are also members of the Indiana State Archives' 100 Hour Club, 500 Hour Club, or the 1000 Hour Club, in recognition of their dedication and hours of service;

Whereas, The volunteers work on a number of tasks and special projects ranging from data entry to the "Legislative Houses of Indiana" exhibit, which was brought to the Statehouse for the Statehood Day Celebration;

Whereas, As a result of their diligence, many historical documents and records are now accessible online, providing more people the opportunity to explore Indiana's history; and

Whereas, The dedication and hours of service of the volunteers of the Indiana State Archives are appreciated by all Hoosiers: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate honors the volunteers of the Indiana State Archives for their dedication and hours of service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the each of the volunteers.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on April 17, 2007, signed House Enrolled Acts: 1012, 1033, 1037, 1065, 1128, 1335, 1391, 1477, 1489, 1595, 1623, 1654, and 1693.

DAVID C. LONG
President Pro Tempore

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 69

House Concurrent Resolution 69, sponsored by Senators Broden and Kenley:

A CONCURRENT RESOLUTION memorializing Kurt Vonnegut, Jr.

Whereas, Kurt Vonnegut, Jr. came into this world on November 11, 1922, Armistice Day, in Indianapolis, Indiana;

Whereas, Kurt Vonnegut, Jr. was the great-grandson of Clemens Vonnegut, founder of Vonnegut's Hardware Store; the grandson of Bernard Vonnegut, cofounder of the architectural firm of Vonnegut & Bohn, designers of such historic Indianapolis structures as Das Deutsche Haus, now known as The Athenaeum, Methodist Hospital, and the original L.S. Ayres store; and the son of Kurt Vonnegut Sr., a prominent Indianapolis architect, and Edith Lieber, the daughter of Indianapolis brewer Albert Lieber;

Whereas, During his formative years, Kurt Vonnegut, Jr. attended Orchard School and Public School No. 43, the James Whitcomb Riley School, near his family's home on Illinois Street, and graduated from Shortridge High School, where he was editor of "The Echo," at the time one of the few high school daily newspapers in the United States;

Whereas, Kurt Vonnegut, Jr. attended Cornell University, studying chemistry and biology, until enlisting in the United States Army in 1943 and serving in Europe until he was captured by German troops during the Battle of the Bulge;

Whereas, After being captured, Kurt Vonnegut, Jr. was put to work as a prisoner of war in Dresden, Germany, where he survived the Allied firebombing that destroyed the city, killed approximately 135,000 people, and became the basis of his classic novel "Slaughterhouse-Five";

Whereas, After Kurt Vonnegut, Jr. returned from Europe, he worked at the Chicago City News Bureau while pursuing graduate studies in anthropology at the University of Chicago, which finally awarded him his Master of Arts degree in 1971 after accepting his novel "Cat's Cradle" in lieu of a thesis;

Whereas, While working in public relations for General Electric Company in Schenectady, New York, Kurt Vonnegut, Jr. began a writing career that produced numerous short stories, plays, screenplays, essays, and novels, including "Player Piano," "The Sirens of Titan," "Bluebeard," "Hocus Pocus," "Timequake," "Cat's Cradle," "Breakfast of Champions," and "Slaughterhouse-Five";

Whereas, Kurt Vonnegut, Jr. has been called "a master of contemporary American literature," "America's greatest satirist," "a laughing prophet of doom," "George Orwell, Dr. Caligari and Flash Gordon compounded into one writer," and "a zany but moral mad scientist";

Whereas, The mayor of Indianapolis, the Indianapolis Cultural Development Commission, and the Indianapolis-Marion County Public Library proclaimed 2007 to be The Year of Kurt Vonnegut in Indianapolis; and

Whereas, Kurt Vonnegut, Jr. passed away April 11, 2007, at the age of 84: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the accomplishments of Indianapolis native son and Hoosier legend Kurt Vonnegut, Jr. as a major figure in English literature for more than half a century and a grandmaster of contemporary American letters.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Kurt Vonnegut, Jr. And so it goes*

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 98

Senate Concurrent Resolution 98, introduced by Senator Errington:

A CONCURRENT RESOLUTION honoring Joseph Hodge and his commitment to bettering the blind community.

Whereas, Joseph Hodge has possessed a strong will and a positive attitude, serving as an inspiration to many despite losing his sight to retinal blastoma cancer at the age of 10 months;

Whereas, Joseph Hodge was enrolled in Prairie Heights High School and was a successful member of the wrestling team, FFA, and 4H;

Whereas, Hodge has been active in Ball State University's campus radio station, WCRD, and has been the host of a weekly radio show since 2006;

Whereas, Hodge approached Ethan Miller, the president of the Knotts/Edwards hall council, about the installation of additional Braille signage on campus;

Whereas, Hodge and Miller convinced various student governmental offices and the Disabled Student Development Office to make the campus more acceptable for visually impaired students;

Whereas, Hodge's work adds to Ball State University's long time commitment to making the campus accessible to all students; and

Whereas, Hodge's family, friends, and community have helped

to mold him into a strong leader and a well-balanced and positive individual: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana State Senate hereby recognizes that Joseph Hodge has made an example of himself of which Hoosiers can be proud, and the Senate wishes him luck and success in the future.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Joseph Hodge, his parents Steve and Karen Hodge, and Ethan Miller.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Tyler.

House Concurrent Resolution 62

House Concurrent Resolution 62, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring the Butler University men's basketball team.

Whereas, The Butler University Bulldogs compiled a school record 29 victories versus 7 defeats in the 2006-2007 season;

Whereas, Butler captured the National Invitation Tournament Season Tip-off championship, Wooden Tradition victory, Horizon League regular season co-championship, and a trip to the NCAA Tournament's "Sweet 16";

Whereas, In the National Invitation Tournament Season Tip-off, Butler defeated Notre Dame, Indiana, Tennessee, and Gonzaga, and Junior Guard A.J. Graves was named tournament Most Valuable Player, and Senior Forward Julian Betko was part of the All-Tournament team;

Whereas, Butler defeated Purdue in the Wooden Tradition at Conesco Fieldhouse to give the Bulldogs their first sweep of Indiana's "Big 3" Universities since the 1948-1949 season;

Whereas, Butler went 13-3 in Horizon League play, earning a share of the Horizon League Championship with Wright State for the first time since 2002-2003, with A.J. Graves being named to the 1st Team All-Horizon League team, Junior Guard Mike Green named to the 2nd All- Horizon League team and was the League's Newcomer of the Year, and Junior Forward Pete Campbell was named to the All-Horizon League Newcomer Team;

Whereas, Butler earned a 5 seed into the National Collegiate Athletic Association (NCAA) Tournament, the best seed the Bulldogs have ever earned;

Whereas, Butler defeated 12 seed Old Dominion University 57-46 in the first round of the NCAA tournament, using a 17-0 second half run to pull away sparked by 3 consecutive Pete Campbell 3-

pointers;

Whereas, Butler defeated 4 seed University of Maryland 62-59 in the second round to earn a trip to the "Sweet 16" for the first time since 2002-2003; Butler was led by A.J. Graves with 19 points, and Senior Forward Brandon Crone added 13 points, 4 assists, and 4 steals;

Whereas, Butler succumbed to the NCAA Tournament's Number 1 overall seed, and defending National Champion University of Florida 65-57 in a close game that saw Butler lead as late as the final three minutes before Florida prevailed;

Whereas, Butler was strongly influenced by leadership of their team captains: Senior Forward Brandon Crone, and Senior Forward Brian Ligon, who both led the Bulldogs by demonstrating hard physical play and tough defense; and

Whereas, Butler Head Coach Todd Lickliter was awarded the Horizon League Coach of the Year, and was recognized as National Coach of the Year by the National Association of Basketball Coaches (NABC); A.J. Graves was named honorable mention All-America by the NABC and Associated Press and was also a John R. Wooden Award finalist; Mike Green was named to the NABC All-District 10 second team: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Butler University men's basketball team on its successful 2006-2007 season and wishes the members continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to all team members, head coach Brad Stevens, athletic director Barry Collier, and President Bobby Fong.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 29.

WALTZ

Roll Call 447: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 190.

DROZDA

Roll Call 448: yeas 45, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 411.

HERSHMAN

Roll Call 449: yeas 43, nays 2. Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 536 and that a conference committee be appointed to confer with a like committee of the House.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 261 and that a conference committee be appointed to confer with a like committee of the House.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 334 and that a conference committee be appointed to confer with a like committee of the House.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate dissent to the House Amendments to Engrossed Senate Bill 461 and that a conference committee be appointed to confer with a like committee of the House.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as coauthor of Senate Resolution 43.

WALTZ

Motion prevailed.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 17th day of April, 2007,

April 17, 2007

Senate 1119

signed Senate Enrolled Acts: 401 and 501.

REBECCA S. SKILLMAN
Lieutenant Governor

LONG
Date: 4/16/2007
Time: 5:23 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 232:

Conferees: Zakas, Chair and Lanane

Advisors: Bray and Broden

LONG
Date: 4/17/2007
Time: 8:50 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 220:

Conferees: Kruse, Chair and Deig

Advisors: Mishler and Broden

LONG
Date: 4/16/2007
Time: 5:40 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 450:

Conferees: Miller, Chair and Sipes

Advisors: Dillon and Errington

LONG
Date: 4/16/2007
Time: 5:20 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1129:

Conferees: Gard and Lanane

Advisors: Hershman and Skinner

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 104:

Conferees: Lawson, Chair and Sipes

Advisors: Miller and Simpson

LONG
Date: 4/16/2007
Time: 5:37 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 310:

Conferees: Hershman, Chair and Broden

Advisors: Lanane and Steele

LONG
Date: 4/16/2007
Time: 5:21 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 329:

Conferees: Lawson, Chair and Simpson

Advisors: Landske and Broden

LONG
Date: 4/16/2007
Time: 5:39 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1478:

Conferees: Kenley and Broden

Advisors: Weatherwax, Dillon, Hume, and Mrvan

LONG

Date: 4/16/2007

Time: 5:25 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1568:

Conferees: Merritt and Breaux

Advisors: Howard, Lubbers, Delph, and M. Young

LONG

Date: 4/16/2007

Time: 5:31 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1835:

Conferees: Kenley and Lanane

Advisors: Jackman and Hume

LONG

Date: 4/16/2007

Time: 5:36 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 550:

Conferees: Becker, Chair and Sipes

Advisors: Miller and Simpson

LONG

Date: 4/17/2007

Time: 9:12 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 113:

Conferees: Gard, Chair and Hume

Advisors: Drozda and Lewis

LONG

Date: 4/17/2007

Time: 8:53 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 431:

Conferees: Gard, Chair and Deig

Advisors: Hershman, Hume, Paul, and Skinner

LONG

Date: 4/17/2007

Time: 9:11 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore David C. Long has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 49:

Conferees: Zakas, Chair and Broden

Advisors: Steele and Lanane

LONG

Date: 4/17/2007

Time: 9:10 a.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, April 18, 2007.

LONG

Motion prevailed.

The Senate adjourned at 2:03 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate